



The relief described hereinbelow is **SO ORDERED**.

Signed March 09, 2022.

H. CHRISTOPHER MOTT
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:

3443 ZEN GARDEN, LP,

Debtor.

Case No. 20-10410-hcm

CHAPTER 11

PANACHE DEVELOPMENT &
CONSTRUCTION, INC.

Plaintiff,

vs.

ROMSPEN MORTGAGE LIMITED
PARTNERSHIP AND 3443 ZEN GARDEN,
LP

Defendants.

Adv. Pro. No. 20-01048-hcm

**ORDER GRANTING MOTION TO DISMISS WITHOUT PREJUDICE
AND FOR RELEASE OF FUNDS FROM REGISTRY OF THE COURT**

On this day, the Court considered the *Joint Motion to Dismiss Without Prejudice and for Release of Funds from Registry of the Court* (the “Motion”) filed by Plaintiff Panache Development & Construction, Inc. (“Panache”) and Defendant Romspen Mortgage Limited Partnership (“Romspen”) (collectively, the “Parties”).

On September 24, 2020, the Clerk of this Court received a cash Deposit in the amount of \$1,387,100.46 (“Registry Funds”) from Romspen Mortgage Limited Partnership (“Romspen”) in this adversary proceeding. The Registry Funds were deposited and are held in the Registry of the Court pursuant to the Stipulation and Order entered on September 17, 2020 (dkt# 9) in this adversary proceeding.

After considering the Motion, the agreement of the parties, the history of the above-captioned adversary proceeding and bankruptcy case, and the record established in these cases; and for good cause shown, the Court is of the opinion that the Motion should be GRANTED. The Court finds that the following Order should be entered to assist the Clerk of the Court in (1) closing this adversary proceeding and (2) properly disbursing the Registry Funds held in connection with this adversary proceeding.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Motion is granted to the extent set forth below.
2. This adversary proceeding is dismissed in its entirety without prejudice. The Clerk’s office is directed to close this adversary proceeding.
3. The Financial Institution of US Treasury CRIS currently holding the Registry Funds shall disburse the Registry Funds payable as follows, upon the Clerk’s receipt from Romspen of a completed Form W-9 and Form AO213:

The entire balance of the Registry Funds, together with the total accrued interest, less all applicable registry assessment fees, made payable to the following payee: “Romspen Mortgage Limited Partnership”, and mailed to the following name and address: Romspen Mortgage Limited Partnership c/o Thomas C. Scannell, Foley & Lardner LLP, 2021 McKinney Avenue, Suite 1600, Dallas, TX 75201.

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AGREED TO AND APPROVED:

/s/ Thomas C. Scannell

Thomas C. Scannell

Tex. Bar No. 24070559

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